

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

A.L. ENTERPRISES INC., a Nevada
Corporation,

Plaintiff,

vs.

SERGE L. BRONSTEIN, an individual,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING PLAINTIFF'S
MOTION TO ALTER OR AMEND

Case No. 2:08-CV-227 TS

Plaintiff brings this Motion pursuant to Fed.R.Civ.P. 59(e) seeking to alter or amend the Court's previous ruling that there was no personal jurisdiction over Defendant Bronstein. For the reasons discussed below, the Court will deny the Motion.

Plaintiff brings this Motion pursuant to Rule 59(e). Grounds warranting relief under Rule 59(e) include: (1) an intervening change in the controlling law; (2) new evidence previously unavailable; and (3) the need to correct clear error or prevent manifest injustice.¹ "Thus, a motion for reconsideration is appropriate where the court has misapprehended the facts, a party's

¹*Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2005).

position, or the controlling law. It is not appropriate to revisit issues already addressed or advance arguments that could have been raised in prior briefing.”²

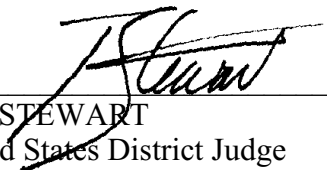
Plaintiff’s Motion raises arguments which were raised previously. Plaintiff raised the fact that Defendant was a sole proprietor in its Memorandum in Opposition to Defendant’s Motion to Dismiss.³ The Court considered that fact, yet still found jurisdiction to be lacking.⁴ As Plaintiff’s Motion is improper under Rule 59(e), it must be denied.

It is therefore

ORDERED that Plaintiff’s Motion to Alter or Amend Order Granting Defendant’s Motion to Dismiss (Docket No. 31) is DENIED.

DATED July 1, 2008.

BY THE COURT:



TED STEWART
United States District Judge

²*Id.* (citation omitted).

³Docket No. 27, at 1.

⁴*See* Docket No. 28, at 4 n.14.